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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,940	12/29/2000	Hong Cai	JP-1999-0279US (8728-464)	9013
22150	7590	08/10/2005	EXAMINER	
F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			BLAIR, DOUGLAS B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,940

Applicant(s)

CAI ET AL.

Examiner

Douglas B. Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 5/16/2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-6 and 8-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed subject matter must be tangibly embodied on some form of physical medium.

Claim Objections

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4. Claim 4 is objected to as failing to comply with Rule 1.75(d). The specification provides no antecedent basis for "asynchronous requests based on a queue". The term queue is never even mentioned in the applicant's disclosure.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 6, and 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,826,597 to Lonroth et al..

7. As to claim 1, Lonroth teaches a pluggable service delivery platform for supporting many devices requesting many services in an e-business application, comprising: a device-platform interface, for accepting device requests issued by devices wherein said requests are in a representation mode which is adapted for the devices, transforming the devices requests into XML requests and then sending the XML requests to a platform kernel section via HTTP protocol, and transforming XML responses which are returned by the platform kernel section into the representation mode (col. 3, line 61-col. 4, line 26), said device platform interface comprising: a common transcoding section , for transcoding between the representation mode and XML (col. 5, line 7-67); and device dependent component, the device dependent component comprising devices type and transmitting protocol information (col. 5, line 7-67); a service

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platform interface, for abstracting service requirements of the services as a common base, providing an adapter for each of the services based on the service requirements, the adapter for transforming between service responses issued by the services and the XML responses (col. 7, lines 38-50); and a platform kernel section , for managing user information, device information and services information, providing one of a synchronized and an asynchronized service engine, providing interfaces with modules in the platform kernel section , and transferring the XML requests and the XML responses among the modules and between services and devices (col. 6, line 1-47).

8. As to claim 2, Lonroth teaches a pluggable service delivery platform according to claim 1 wherein said platform kernel section further comprises three layers: a run-time layer, an administration layer, and a development layer; run-time layer, the administration layer and the development layer are associated via platform API; the run-time layer provides on-line information access (Figure 2, reference number 242, the processor provides run-time access), the administration layer is responsible for adding and deleting the user information, the device information and the service information (Figure 2, reference numbers 232 and 234, the XML gateways provide rules for interacting with the users), and the development layer provides support to new services and new devices (Figure 2, reference number 230, the XML source provides support for services and devices).

9. As to claim 6, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein said device-platform interface provides a corresponding gateway for each kind of device, for transforming an information representation in XML into a file format which is

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adapted for various devices for displaying and transforming among communication protocol based on a script language of various devices stored in a profile (col. 8, lines 20-67).

10. As to claim 8, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein a new kind of device can be incorporated by adding a gateway in the device platform interface and adding an item in a profile without changing service system at background (col. 6, line 1-47).

11. As to claim 9, Lonroth teaches a pluggable service delivery platform according to claim 1, wherein a new kind of service can be incorporated by adding an adapter in a service platform interface and adding an item in said service profile without modifying the programs (col. 6, line 1-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Number 6,826,597 to Lonroth et al..

13. As to claims 3 and 5, the applicant states that the claimed components can be replaced by third party products on page 12, lines 9-16 of the applicant's specification. If such products are available for purchase then they are well known and obvious to use.

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Conclusion


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is 571-272-3893. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Douglas Blair

DBB


KAMINI SHAH
PRIMARY EXAMINER